

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

REGINALD TIMOTHY BRADSHAW,

Plaintiff,

v.

GRETCHEN WHITMER, et al.,

Defendants.

Case No. 1:20-cv-1035

HON. JANET T. NEFF

OPINION AND ORDER

The matter is presently before the Court on Plaintiff's objection (ECF No. 12) to the Report and Recommendation (R&R, ECF No. 11). Defendants did not file any response to the objection. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. The Court denies the objection and issues this Opinion and Order.

Plaintiff, proceeding pro se, initiated this action on October 28, 2020, seeking declaratory and injunctive relief prohibiting Defendants from enforcing Michigan's Sex Offender Registration Act (SORA) against him. Plaintiff was granted leave to proceed in forma pauperis (ECF No. 3). On December 4, 2020, Defendants moved to dismiss Plaintiff's Complaint, or, in the alternative, transfer this matter to the United States District Court for the Eastern District of Michigan as a related case to *John Doe v. Snyder, et al.*, No. 2:16-cv-13137 (*Does II*) (ECF No. 8). Defendants pointed out that Plaintiff is a member of the class in *Does II* and is precluded from opting out to separately pursue the same relief (*id.* at PageID.34). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant

Defendants' motion to dismiss and deny without prejudice Defendants' alternative request to transfer the matter to the Eastern District of Michigan (R&R, ECF No. 11 at PageID.174). The Magistrate Judge indicated that he was "without authority" to address Plaintiff's concerns about the delay in *Does II* and "cannot permit Plaintiff to pursue the present action" (*id.*).

In his objection at bar, Plaintiff does not dispute that he is a member of the pending class action and merely reiterates his position that his right to bring his own legal action should not be circumvented (ECF No. 12 at PageID.177). Plaintiff's objection does not reveal any factual or legal error by the Magistrate Judge in his analysis. Therefore, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. Because this Opinion and Order resolves all pending claims, a Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Accordingly:

IT IS HEREBY ORDERED that the Objection (ECF No. 12) is DENIED, and the Report and Recommendation of the Magistrate Judge (ECF No. 11) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED, for the reasons stated in the Report and Recommendation, that Defendants' Motion to Dismiss (ECF No. 8) is GRANTED and Defendants' alternative request that the present matter be transferred to the Eastern District of Michigan is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED, consistent with the Magistrate Judge's recommendation, that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of the Judgment would not be taken in good faith.

Dated: April 20, 2021

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge